IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 7637 OF 2005

Shekhar Suresh Wankhede .. Applicant

Vs.

The State of Maharashtra .. Respondent

Mr. M.S. Mohite for applicant.
Mr. R.Y. Mirza, APP for Respondent.

CORAM: S.C. DHARMADHIKARI, J.
Date : December 07, 2005.

P.C.:

1. Heard Mr. Mohite for the applicant and Mr. Mirza, APP, for the respondent-State.

2. The applicant is arrested on 23rd February 2005 in connection with C.R. No.78 of 2005 registered at Nigadi Police Station. The offences alleged are under Sections 364-A, 386, 342, 506(2) read with Section 34 of IPC and Section 3(25) of the Indian Arms Act. The F.I.R. was lodged by one Amit Jain on 23rd February, 2005. After initial police custody the applicant is presently remanded to Magisterial custody. The investigation is complete and the charge-sheet is filed.

3. Upon perusal of the F.I.R. which is lodged after a period of one month and fifteen days from the

alleged incident, the applicant is alleged to have attended the shop of the complainant on 3rd January 2005 and demanded a sum from the complainant for legal expenses of one of his friend Kishor Avare. As far as the incident of 5th January, 2005 is concerned, the present applicant has not come to the shop but the allegation is that it is his friend who has come to the shop and called the complainant out side the shop and thereafter dragged him in a vehicle and committed further acts as are attributed to them.

4. One of the accused Mr. Sanjay Maruti Karle has been enlarged on bail by this court on 5th September, 2005. All materials necessary for considering his application, including the statements of the autorickshaw driver and the neighbour Laxuman have been referred to by my brother Justice Oka.

5. After having perused the same as also the statements referred to therein, in my view, the applicant apart from the merits also deserves to be enlarged on bail on the ground of parity. Accordingly I pass the following order:-

(i) The applicant shall be enlarged on bail in connection with C.R. No.78 of 2005

registered at Nigadi Police Station, Pune, subject to furnishing a personal bond of Rs.25,000/- with one or two sureties in the like amount.

(ii) Bail is granted subject to condition that till completion of trial, the applicant shall not enter the area falling within the jurisdiction of Nigadi Police Station, Pune. This order will be implemented only after the applicant furnishes to the Investigating Officer his detailed address of place of residence and telephone number, if any, where he proposes to stay after he is enlarged on bail.

(iii) Bail is granted subject to further condition that till the conclusion of trial of the applicant will mark his attendance once a week in the concerned local Police Station in whose jurisdiction the applicant will be residing.

(iv) The Bail is granted subject to condition that the applicant shall not, directly or indirectly, make any inducement or

threat to any prosecution witnesses and shall not in any manner tamper with prosecution evidence.

(v) The applicant shall cooperate with the learned Trial Judge for expeditious disposal of the trial. Any attempt by the applicant to delay the trial may be a ground for cancellation of bail.

(vi) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

(vii) Application is disposed of in above terms.

(S.C. Dharmadhikari,J)